

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ELIZABETH ADAM and REBECCA	)	
FOLEY, individually and on	)	
behalf of all others similarly	)	
situated,	)	
	)	
Plaintiffs,	)	
	)	C.A No. 17-cv-11260-MLW
v.	)	
	)	
THE TJX COMPANIES, INC.,	)	
	)	
	)	
Defendant.	)	
	)	

MEMORANDUM AND ORDER

WOLF, D.J.

January 15, 2021

For the reasons described in detail at the January 15, 2021 hearing, it is hereby ORDERED that:

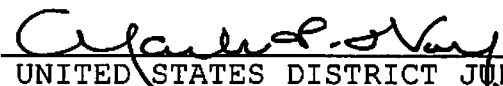
1. The TJX Companies, Inc.'s Motion to Dismiss the Second Amended Complaint (Dkt. No. 150) is TAKEN UNDER ADVISEMENT.

2. The parties shall confer, and by January 25, 2021, report regarding whether they have agreed to settle this case.

3. If the case is not settled, the parties shall, by January 27, 2021, file memoranda addressing whether plaintiffs have pleaded a claim for breach of express warranty under Massachusetts General Laws ch. 106 §2-313(1)(b). These memoranda should discuss

Boyd v. TTI Floorcare N. Am., 230 F. Supp. 3d 1266 (N.D. Ala. 2011), Perez v. Monster Inc., 149 F. Supp. 3d 1176 (N.D. Cal. 2016), Avola v. Louisiana-Pac. Corp., 991 F. Supp. 2d 381 (E.D.N.Y. 2013), In re Scotts EZ Seed Litig., 2013 WL 2303727 (S.D.N.Y. May 22, 2013), and Slyman v. Pickwick Farms, 15 Ohio App. 3d 25 (1984), as well as other authorities interpreting Section 2-313 of the Uniform Commercial Code.

4. The parties shall order the transcript of the January 15, 2021 hearing on an expedited basis.

  
UNITED STATES DISTRICT JUDGE